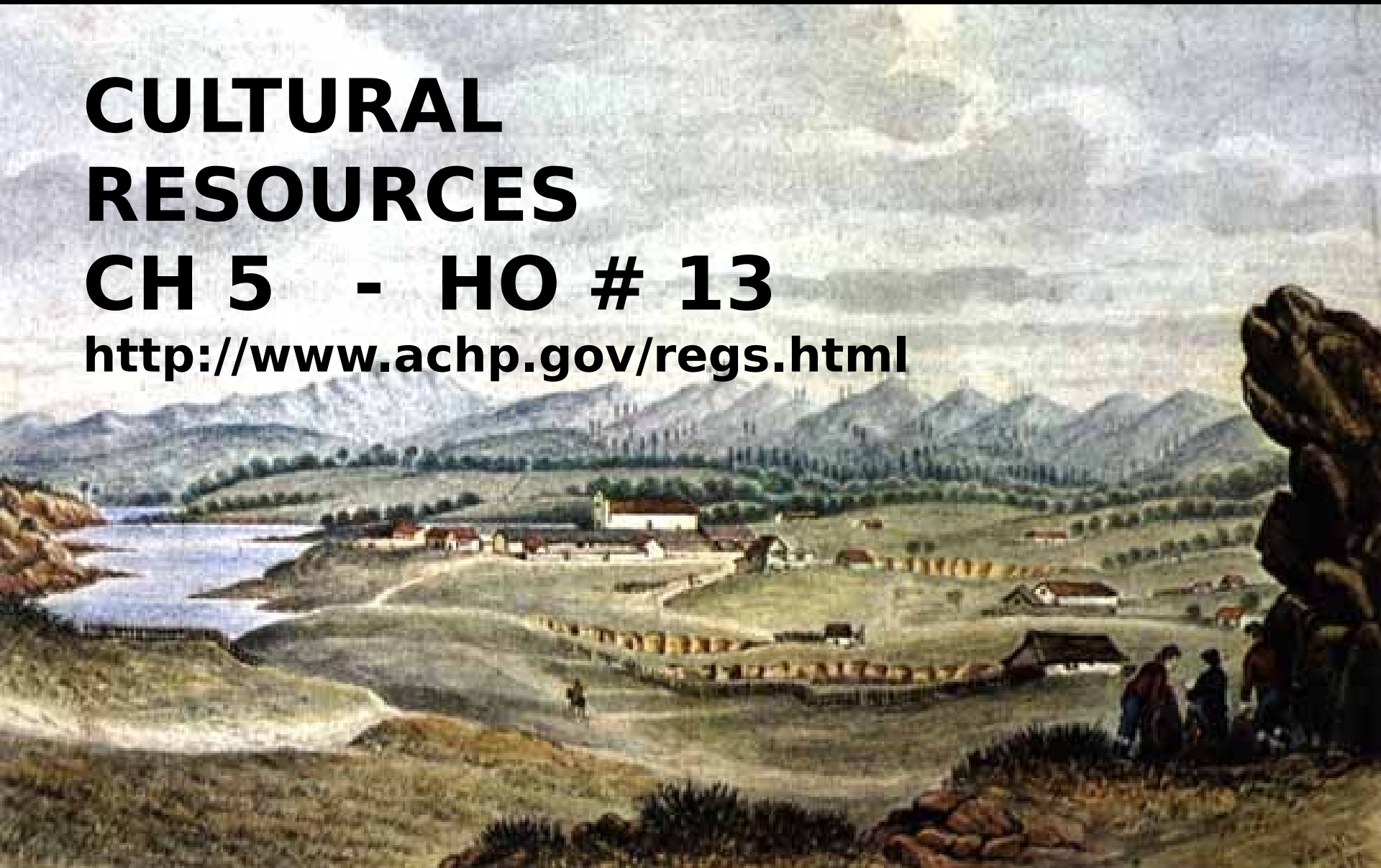
# Environmental Planning



**CULTURAL RESOURCES**
**CH 5 - HO # 13**
**http://www.achp.gov/regs.html**

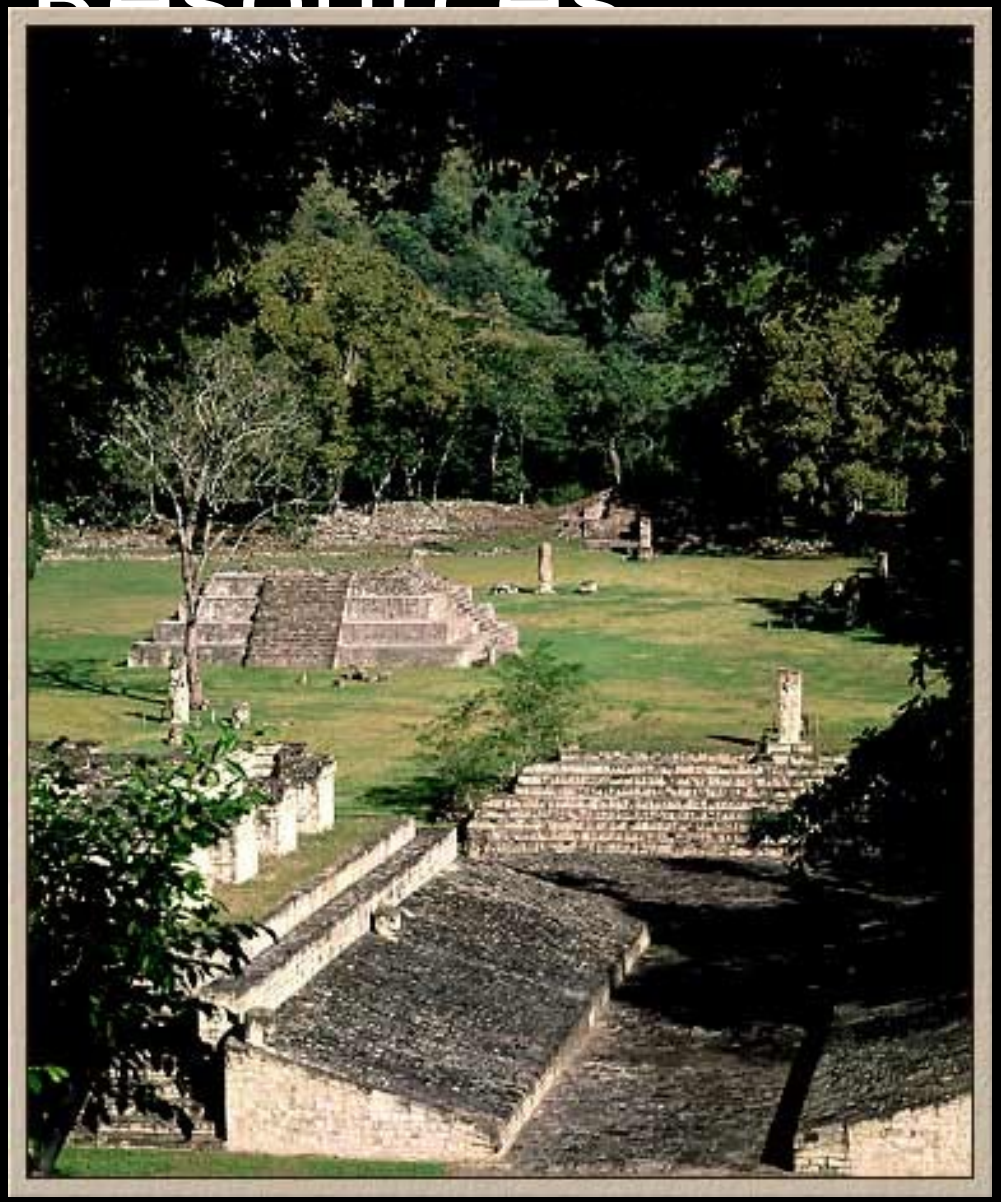
Vista del Presidio de Monte Rey.

Josef Cardero pt.

# Module Objective

- **Review Cultural Resources Requirements under <u>National Historic Preservation Act</u> (NHPA)**
- **Emphasis on NHPA <u>Section 106 Iterative Process</u> for Identifying, Evaluating and Protecting Cultural Resources**
- **Review Other <u>Key</u>**

# What are Cultural Resources



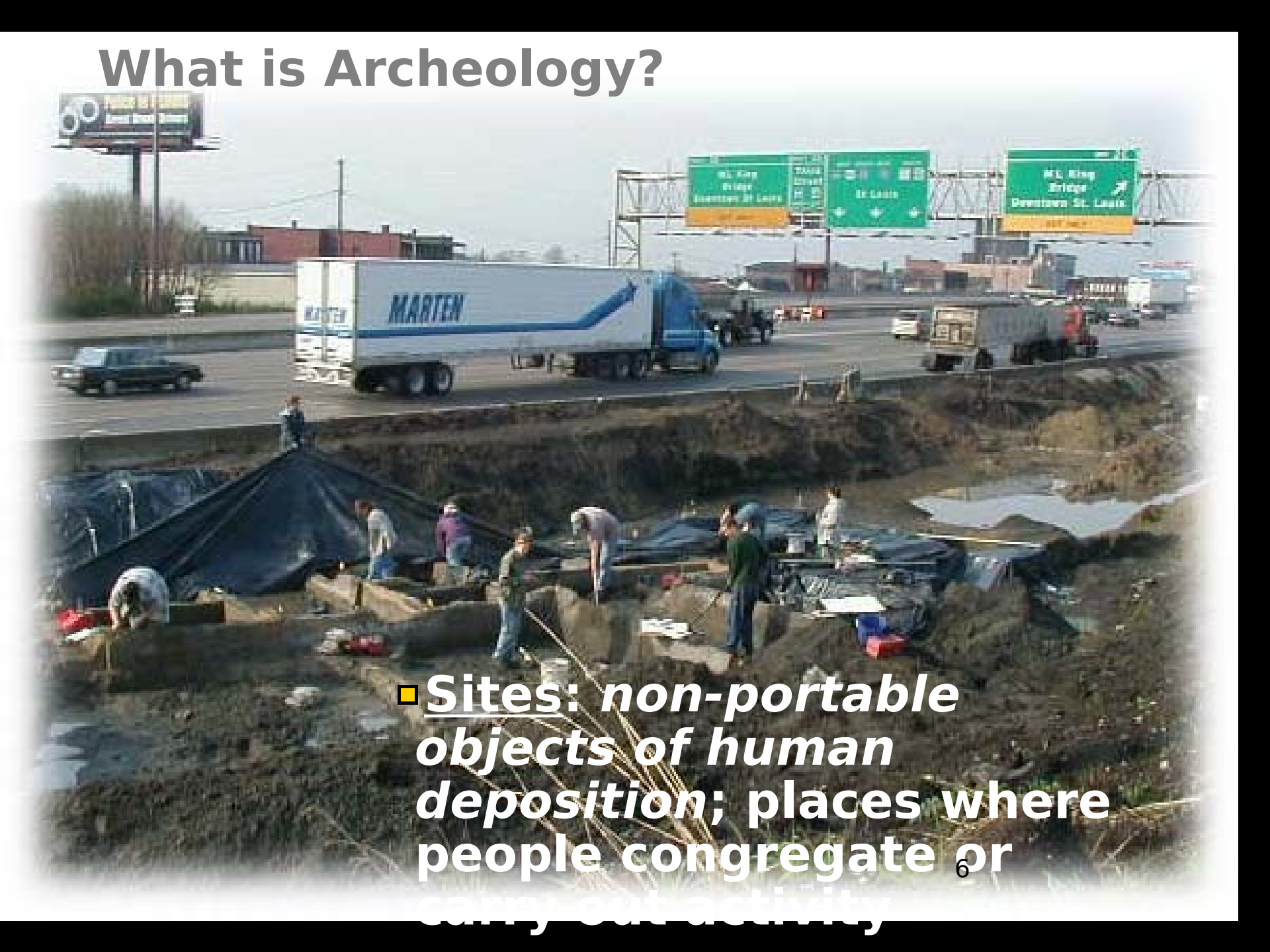
***Elements of our environment made, built, altered or modified in some way, left behind as physical remains, or considered to sustain cultural identity (both physical and non-physical), by humans.***

# What is Archeology?

**Set of methods and procedures for studying history through non-written evidence.**

- **Artifacts**: *portable* objects of human manufacture
- **Monuments**: *non-portable* objects of human manufacture (Mt. Rushmore)

# What is Archeology?




- **Sites**: ***non-portable objects of human deposition*; places where people congregate or carry out activity**

# What is Archeology?

- **Context: associations of objects of human activity**

National Register of Historic Places: Register maintained by  Secretary of Interior.
Historic Properties: Sites or monuments eligible for listing, or listed on, NRHP.

# Definitions

**Area of Potential Effect (APE):** Areas designated in consultation with SHPO/THPO in which potential for project impacts ( effects) exists.

# Definitions (cont.)

**Undertaking:** **Any activity that may affect an historic property. Includes all civil works projects and Federal actions (permits, licenses,**

- **State Historic Preservation Officer (SHPO)**

  Appointed by state governors to administer Section 106 within states.

- **Tribal Historic Preservation Officer (THPO)**

  Oversees Section 106 for

# Advisory Council for Historic Preservation

- **Council in Washington, D.C. that administers implementation of Section 106 of NHPA**
- **Consulted on projects requiring mitigation or other significant commitments**

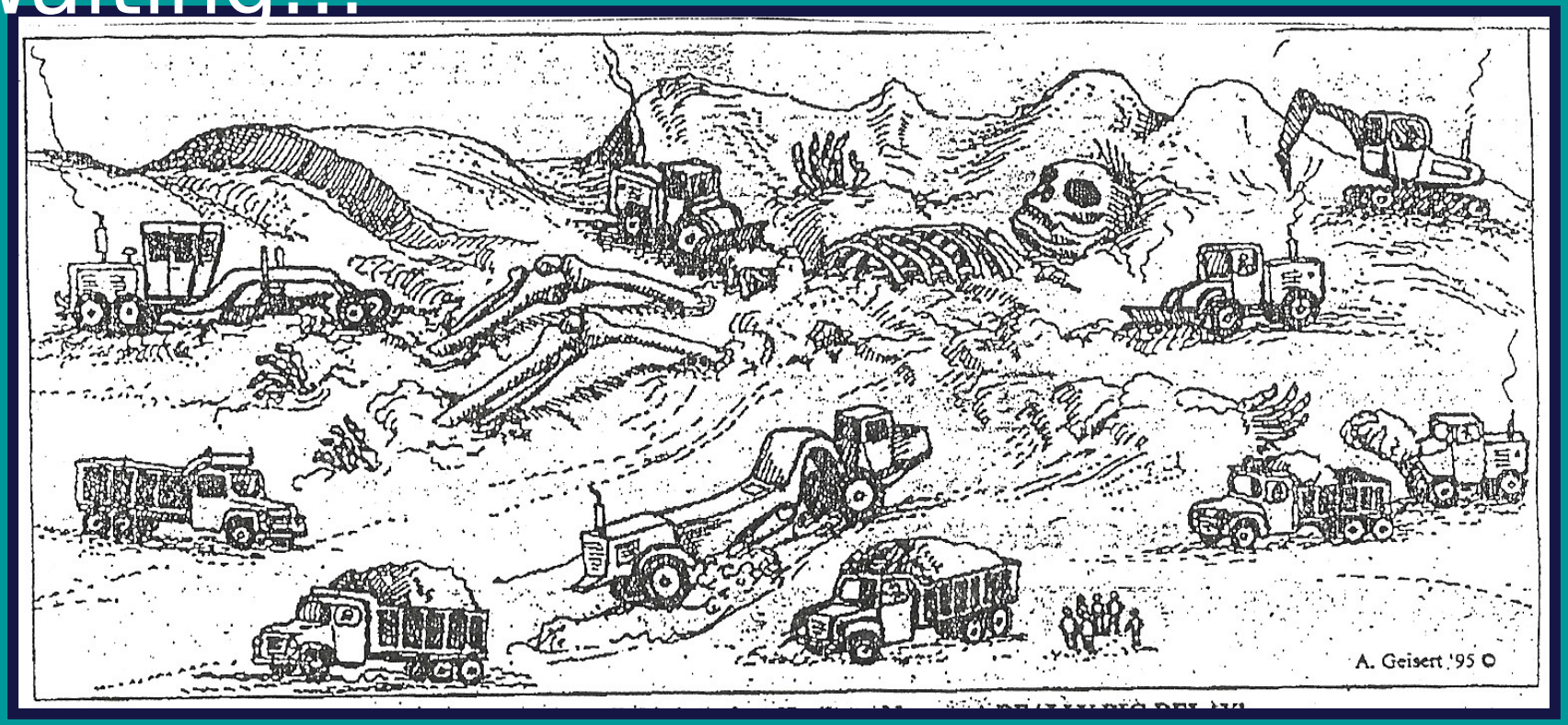
# Categories of Cultural Resources

- Historic Properties
- Museum Collections
- Archaeological Sites
- Traditional

# Corps of Engineers Cultural Resources Management (CRM) Responsibilities

- CRM integral component of Civil Works.
- Identify, evaluate & manage resources eligible for listing on National Register at *earliest* planning stages.
- Early communication with SHPO/THPO

# Consequences of Waiting…




I don’t know, Ed.  If we call this into the office it could cause a REALLY BIG DELAY!

# Consequences of Waiting…
# In Kentucky

# Important Cultural Resources Laws

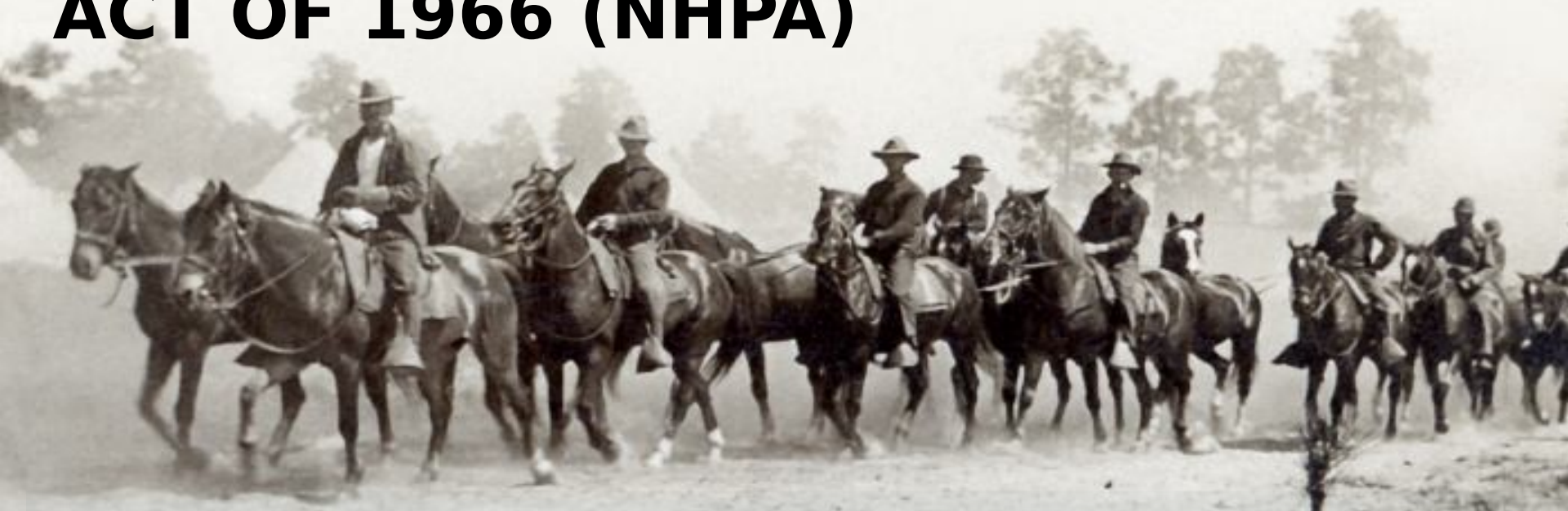
- National Historic Preservation Act (NHPA) 1966.
- Native American Graves Protection and Repatriation Act (NAGPRA) 1990.
- American Indian Religious Freedom Act (AIRFA) 1996.
- Archeological Resources Protection Act (ARPA) 1979.
- The Abandoned Shipwreck Act 1987.

# NATIONAL HISTORIC PRESERVATION ACT OF 1966 (NHPA) (Public Law 89-665

- **Expands National Register created by Historic Sites Act of 1935.**
- **Establishes Advisory Council on Historic Preservation.**

http://www.achp.gov

# NATIONAL HISTORIC PRESERVATION ACT OF 1966 (NHPA)



- **Authorizes each State to appoint <u>State Historic Preservation Officer (SHPO)</u>**
- **Authorizes recognized Native American Indian Tribes to identify:**
- **<u>Tribal Historic Preservation Officer (THPO)</u>**

# NRHP Legislation

- **Established 106 process for assessing impacts of projects on Register eligible sites.**
- ***Does not prevent an action*, but mandates procedural steps in consideration of effects**

# Advisory Council on History Preservation

## Regulations at 36 CFR Part 800, 1966

**<u>Guides</u> Federal Agencies in cultural resources compliance**

- **Outlines requirements for <u>National Historic Landmarks</u>.**
- **Implements Section 106 Review Process for Federal Undertakings**

# Initiating Section 106 Process

- Consult NRHP publications, SHPO property lists, interested parties, etc.
- Customary 50 year eligibility threshold.
- Archaeological team members maintain SHPO consultation in planning process.

# Investigations

- **Conducted in Area of Potential Effects (APE).**
- **Determine NRHP eligibility of known cultural resources & those discovered during investigation.**
- **Should be scaled for potential presence of historic properties in the APE.**

# Investigations (con't

- Be aware of THPO & SHPO issues.
- Possible most areas have never been investigated for historic properties.
- Local historical / archeological societies can provide invaluable information.
- All investigations maintain consultation with SHPO/THPOs.

# Section 106: Iterative Process (Phase 1)

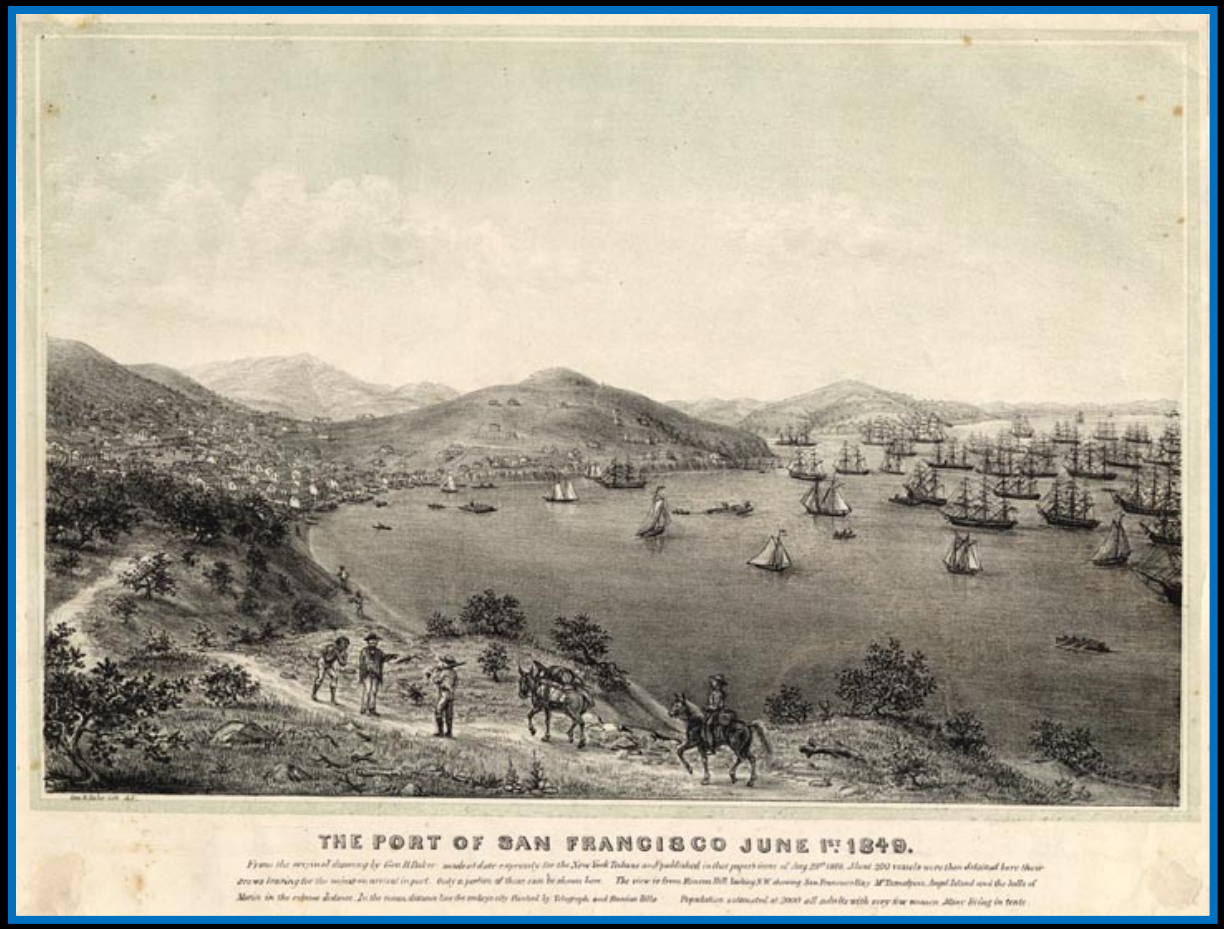
**Literature and Records Searches**

**then: *analyze, evaluate, coordinate***

# ARCHEOLOGICAL AND HISTORIC WORK: A THREE-STEP PROCESS

**<u>Phase I - Survey</u>:**

**Range from reconnaissance to intensive levels, depending on nature and stage of project.**

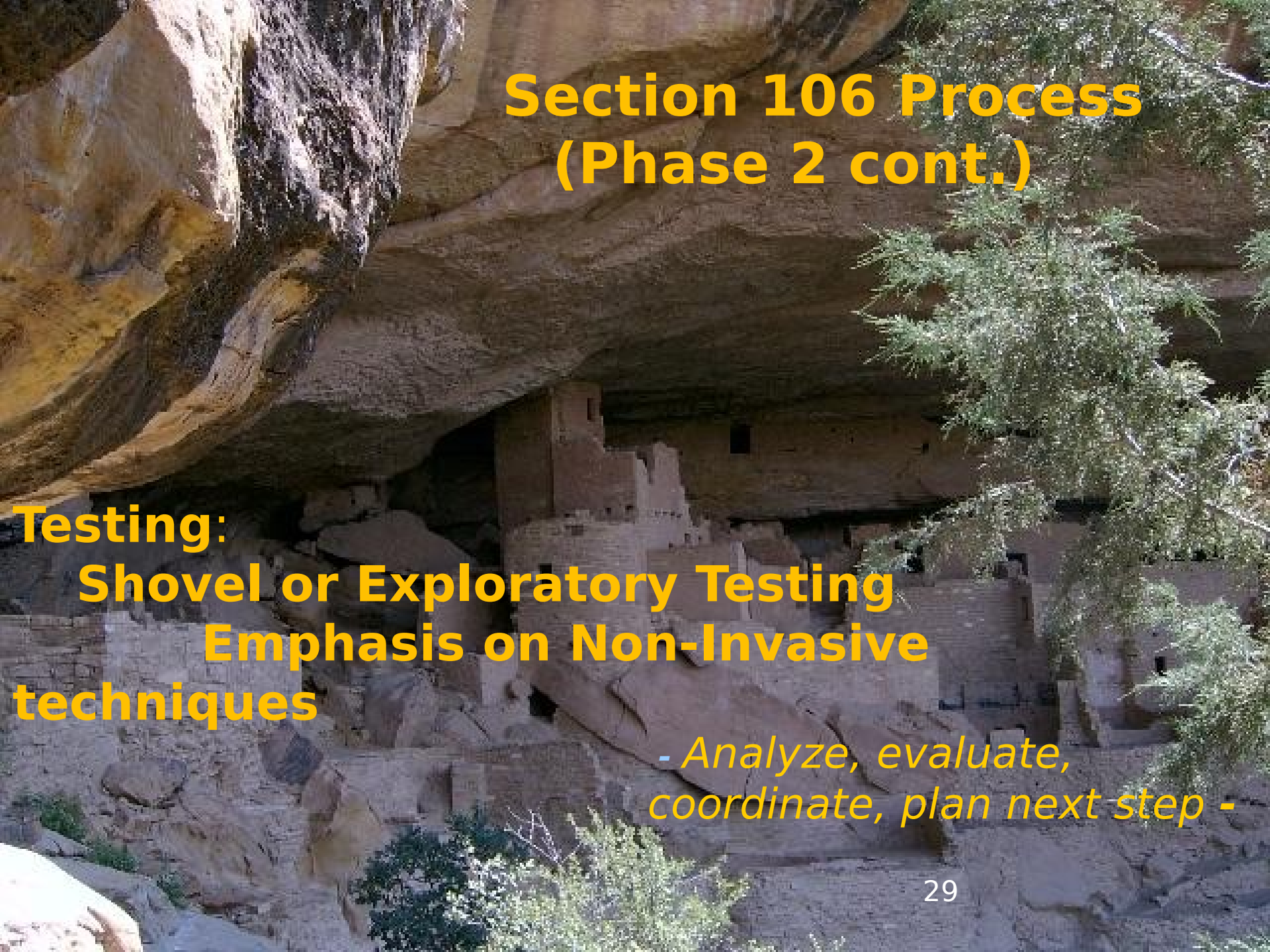



*- Analyze, evaluate, coordinate, plan next step & report -*

# THREE-STEP PROCESS (cont.)

LITH. OF NAGEL, FISHBOURNE & KUCHEL, 529 CLAY ST. COR. LEIDESDORFF STS. FRANCISCO.
THE STUMP AND TRUNK OF THE MAMMOTH TREE OF CALAVERAS.
Showing a Cotillion Party of Thirty-two Persons Dancing on the Stump at one time.
PUBLISHED BY J.M. HUTCHINGS, S. FRANCISCO.

**<u>Phase 2 – Evaluation / Testing</u>**: Assess potential significance against criteria of National Register (extensive testing expensive).



# Section 106 Process (Phase 2 cont.)

**Testing:**

**Shovel or Exploratory Testing**

**Emphasis on Non-Invasive techniques**

*- Analyze, evaluate, coordinate, plan next step -*

# THREE-STEP PROCESS (cont

**Phase 3 - Mitigation:**

To minimize, reduce or compensate for loss of characteristics making property NRHP eligible by:

*- Avoidance*
*- Excavation*
*- Documentation.*

Often need MOA

Preservation / Protection or  Excavation / Data Recovery

- Analyze, evaluate, coordinate, plan next step, report

# Impact or Effect Determination

***effect*** when it alters characteristics of property that qualify property for inclusion in NRHP

- An ***adverse effect*** diminishes integrity of property's location, design, setting, materials, workmanship, feeling, or association.

# 1906 San Francisco Earthquake

- **Apply Criteria of Effect**
  - **If no effect notify SHPO**
  - **If is effect apply adverse effect criteria:**
    - **No adverse effect**
      - » **Obtain SHPO concurrence**
      - » **Submit to ACHP for review**
    - **Adverse effect**
      - » **Mitigate**

# Resolve Adverse Effects

## Mitigation Options:

- Avoid
- Redesign project
- Rehabilitation
- Preservation program
- Relocate
- Data recovery
- Document before destroying:

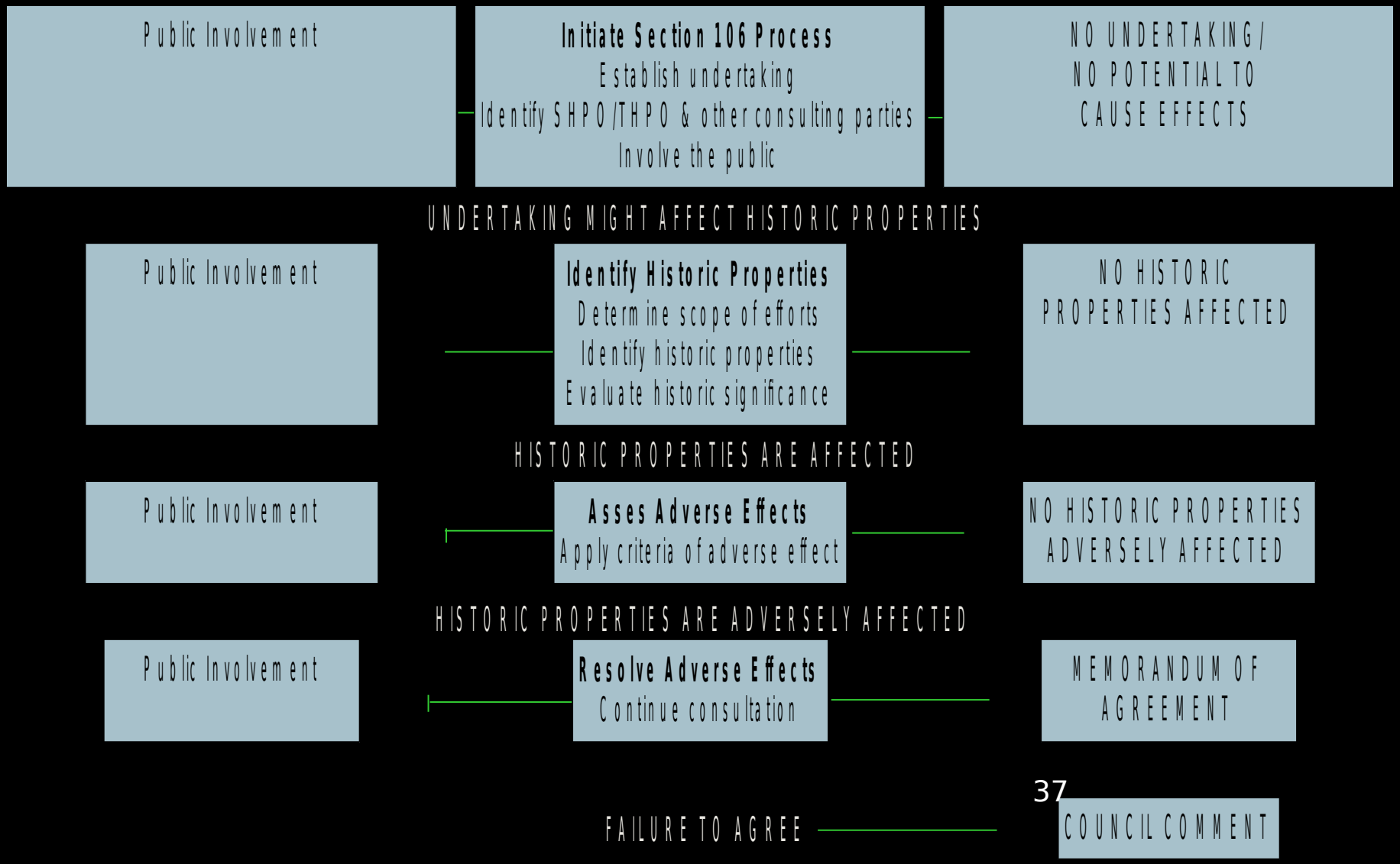
  Architectural, Engineering, Historical or Archaeological

# FAILURE TO AGREE

- **Failure to Resolve Adverse Effects:**
  - **Agency, SHPO, THPO or ACHP can determine**
  - **Is essentially Termination of Consultation.**
  - **If agency terminates, *must request AND respond to ACHP Comment***

**FOLLOW THE PROCESS**

# SECTION 106 PROCESS FLOW CHART SUMMARY

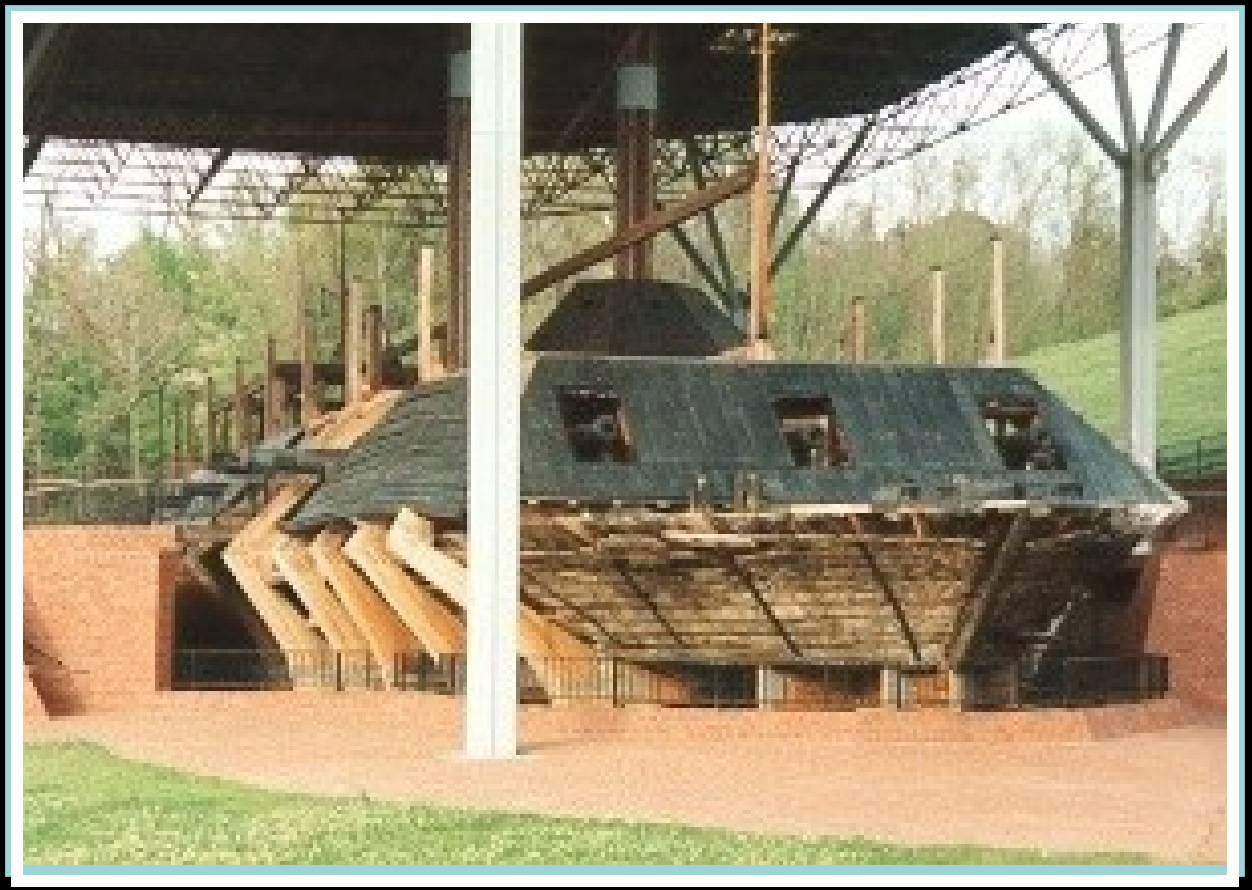


# ABANDONED SHIPWRECK ACT OF 1987 (Public Law 100-298)

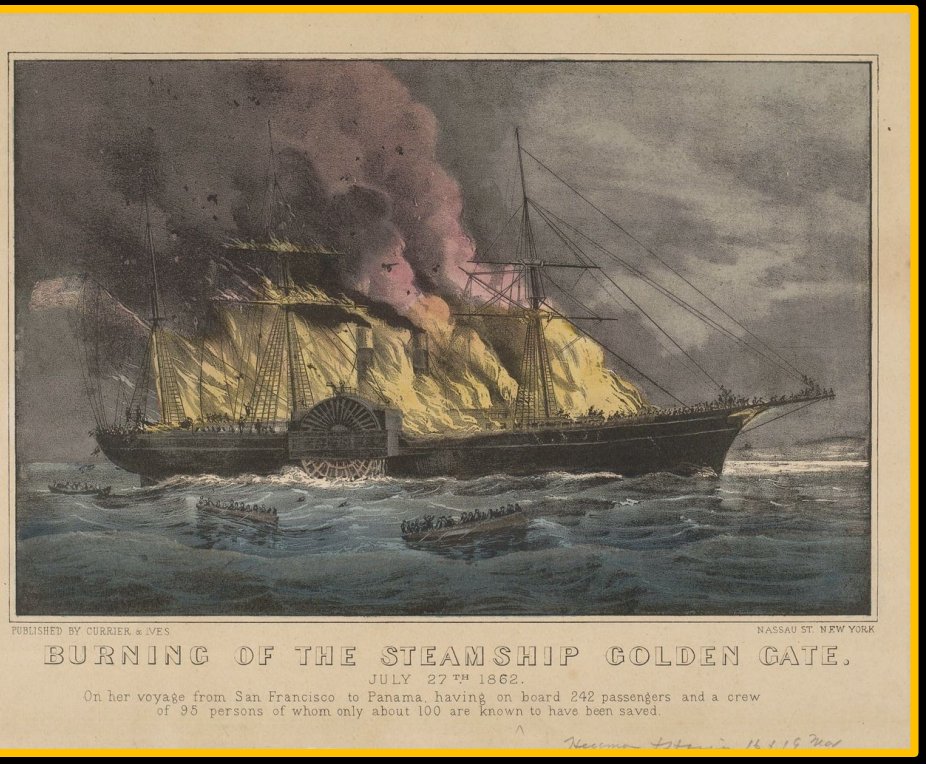
- The U.S. identifies, evaluates & asserts title to abandoned shipwrecks on or in submerged lands of State when wreck eligible for NRHP.

- Transfers title to States except in case of Indian Lands.

# ABANDONED SHIPWRECK ACT (cont)



**Promotes shipwrecks as valuable and through NPS encourages development of underwater parks.**

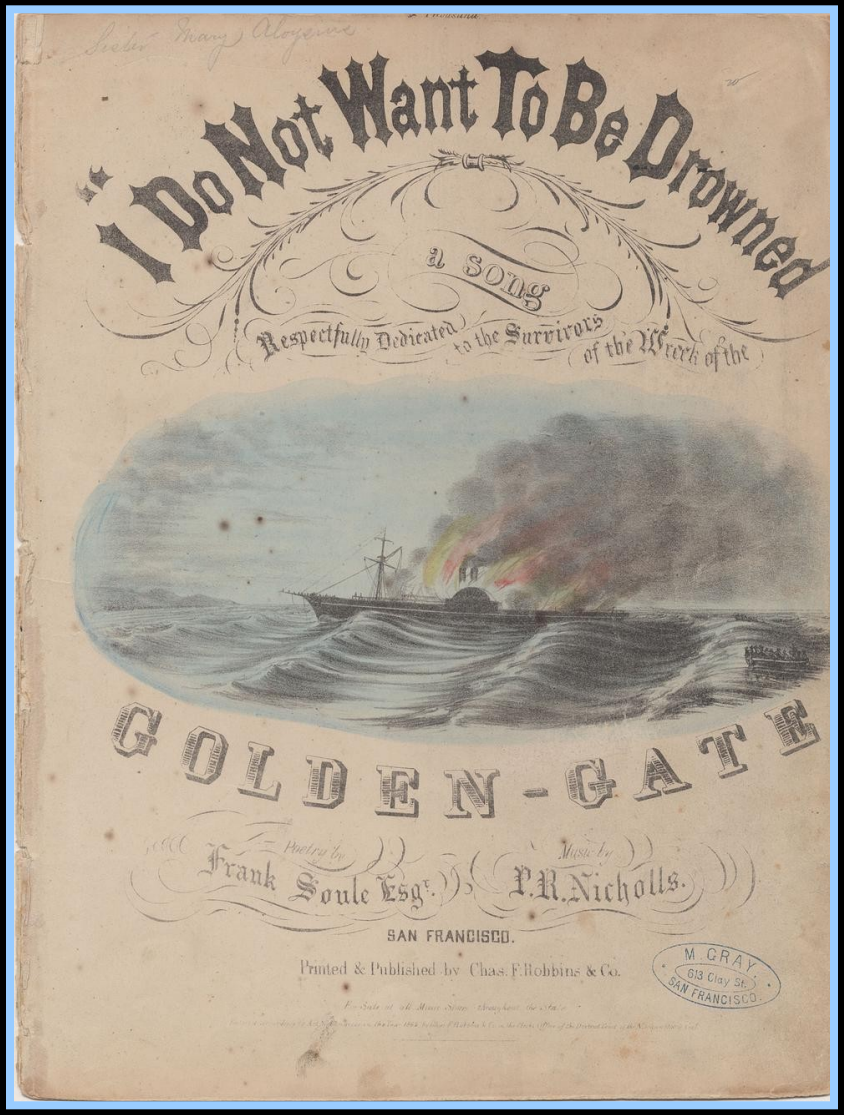


PUBLISHED BY CURRIER & IVES NASSAU ST. NEW YORK

BURNING OF THE STEAMSHIP GOLDEN GATE.

JULY 27TH 1862.

On her voyage from San Francisco to Panama, having on board 242 passengers and a crew of 95 persons of whom only about 100 are known to have been saved.


"I Do Not Want To Be Drowned"
a SONG
Respectfully Dedicated to the Survivors of the Wreck of the
GOLDEN-GATE
Poetry by Frank Soule Esqr.
Music by P.R. Nicholls.
SAN FRANCISCO.
Printed & Published by Chas. F. Hobbins & Co.
M. GRAY
613 Clay St.
SAN FRANCISCO.

# ENVIRONMENTAL PLANNING and EVALUATION
# ER 1105-2-100, Appendix C-4. Cultural Resources

- Outlines requirements for Recon, Feasibility, & PED
- Details cost apportionment & accountability

# ER 1105-2-100 Appendix C-4 Cultural Resources

- Costs over 1% shared with local sponsor. Survey & evaluation costs not part of 1% limit.
- Provides waiver of 1% limit for CAP projects.
- Excludes mitigation costs from economic

# *Who Do You Call?*

- HQUSACE
  - Paul Rubenstein
- MCX – CMAC
  - Michael K Trimble
- CX - Preservation Historic Buildings

# Consultation with Indian Tribal Governments
## Executive Order 13175 (2000)

- Principles guiding agency activities
- Unique legal relationship with tribes as "domestic dependent nations" under U.S. protection
- Tribes have sovereign powers over members and territory

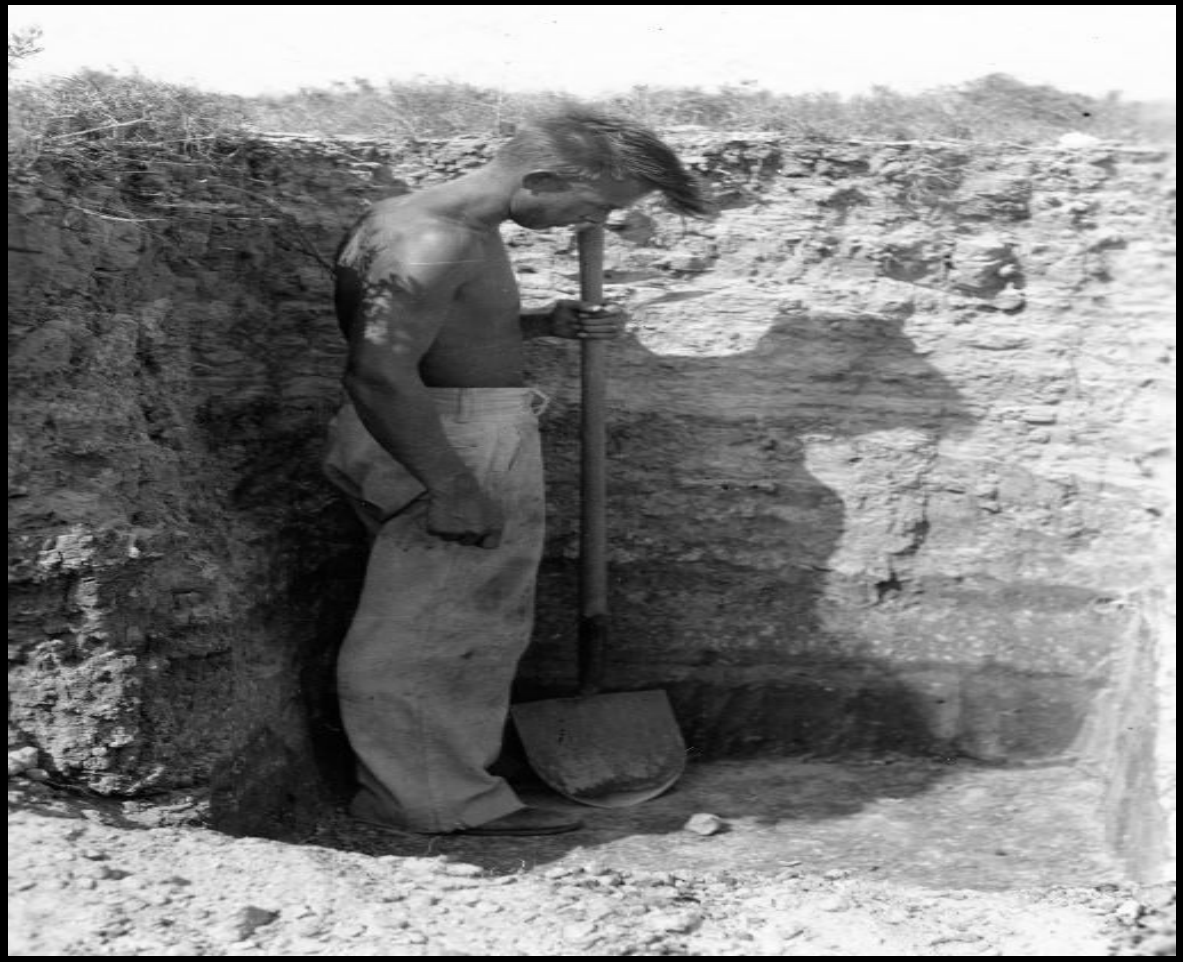
# Six Corps Tribal Policy Principles

1. Sovereignty
2. Pre-decisional consultation
3. Government-to-government relationships
4. Trust responsibility
5. Protection of natural & cultural resources
6. Economic capacity

# SUMMARY

- Consult
- CONSULT
- CONSULT

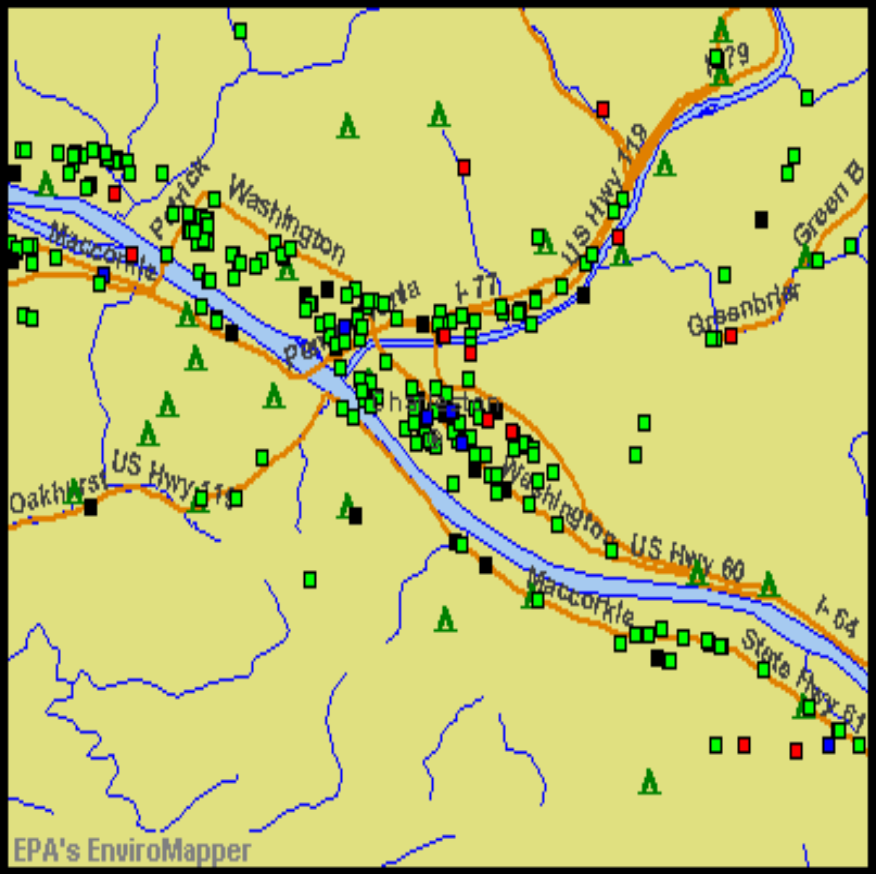
# Archaeology is Good for You!



# Questions ?

33. View of Coronado Beach and Entrance to San Diego Bay.
Wyandé Photo

# Class Exercise




- Survey Grid Units
- 3 Sampling Approaches
  - Simple Random
  - Systematic Random
  - Stratified Random